

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ALFONSO RIVERA NIETO,

Case No. 3:12-cv-02115-SU

Petitioner,

FINDINGS AND RECOMMENDATION

v.

JOE DeCAMP,

Respondent.

SULLIVAN, Magistrate Judge.

On January 30, 2013, the court issued an Order advising petitioner that if he wished to proceed with this 28 U.S.C. § 2254 habeas corpus case, he must show cause why his Petition should not be dismissed because: (1) the Petition is untimely; and (2) all of petitioner's claims are procedurally defaulted. The court specifically warned petitioner that the court would recommend dismissal of this action with prejudice if he failed to satisfy the Order to Show Cause (#8).

Petitioner has not responded to the Order to Show Cause, nor has he communicated with the court in any way since the filing of

this case. Because petitioner fails to satisfy the Order to Show Cause, the Petition for Writ of Habeas Corpus (#1) should be dismissed, and his pending Motion for Appointment of Counsel (#2) should be denied.

SCHEDULING ORDER

This Findings and Recommendation will be referred to a district judge. Objections, if any, are due within 14 days. If no objections are filed, then the Findings and Recommendation will go under advisement on that date.

If objections are filed, then a response is due within 14 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

DATED this 21st day of March, 2013.

/s/ PATRICIA SULLIVAN

Patricia Sullivan
United States Magistrate Judge